

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MANUEL ANTONIO GARAY-  
CASTILLO,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73025

Agency No. A029-134-152

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted November 16, 2016\*\*

Before: LEAVY, BERZON, and MURGUIA, Circuit Judges.

Manuel Antonio Garay-Castillo, a native and citizen of Nicaragua, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We

---

\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the agency's determination that Garay-Castillo failed to establish past persecution. *See id.* at 1185-87. Substantial evidence also supports the agency's determination that Garay-Castillo failed to establish an objectively reasonable fear of future persecution. *See Nagoulko v. INS*, 333 F.3d 1016, 1018 (9th Cir. 2003). Thus, we deny the petition for review as to Garay-Castillo's asylum claim.

Because Garay-Castillo failed to establish eligibility for asylum, he necessarily cannot meet the more stringent standard for withholding of removal. *See Zehatye*, 453 F.3d at 1190.

Finally, substantial evidence supports the agency's denial of CAT relief because Garay-Castillo failed to show it is more likely than not that he would be tortured by or with the consent or acquiescence of the Nicaraguan government. *See Robleto-Pastora v. Holder*, 591 F.3d 1051, 1058 (9th Cir. 2009).

**PETITION FOR REVIEW DENIED.**